

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LP MATTHEWS, L.L.C.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-1507 (SLR)
	)	Honorable Sue L. Robinson
BATH & BODY WORKS, INC.,	)	JURY TRIAL DEMANDED
and	)	
LIMITED BRANDS, INC.,	)	
and	)	
KAO BRANDS CO. (f/k/a THE ANDREW	)	
JERGENS COMPANY),	)	
and	)	
KAO CORPORATION,	)	
	)	
Defendants.	)	

**DECLARATION OF DAVID M. HILL, ESQ. IN SUPPORT OF  
DEFENDANTS BATH & BODY WORKS, INC. AND LIMITED  
BRANDS, INC.'S OPENING CLAIM CONSTRUCTION BRIEF**

I, David M. Hill, hereby declare as follows:

1. I am a partner of Ward & Olivo, counsel of record in this action for Defendants Bath & Body Works, Inc. and Limited Brands, Inc. (collectively referred to as the "Limited Defendants"). I am a member of the Bar of the State of New York and have been admitted *pro hac vice* to represent the Limited Defendants in this action. I have personal knowledge of the matters stated in this declaration and would testify truthfully if called upon to do so.
2. Attached hereto as Exhibit A is a true and correct copy of United States Patent No. 5,063,062, dated November 5, 1991.
3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the January 14, 2006 deposition of Phillip Low.

4. Attached hereto as Exhibit C is a true and correct copy of the Board of Patent Appeals & Interferences' Decision on Appeal regarding United States Application Ser. No. 07/786,804 ("the '804 application"), dated April 15, 1997.

5. Attached hereto as Exhibit D is a true and correct copy of is a true and correct copy of an Office Action regarding United States Patent Application Ser. No. 07/413,395 ("the '395 application"), dated June 18, 1990.

6. Attached hereto as Exhibit E is a true and correct copy of an Office Action Response regarding the '395 application, dated September 18, 1990.

7. Attached hereto as Exhibit F is a true and correct copy of an Office Action regarding the '804 application, dated April 6, 1992.

8. Attached hereto as Exhibit G is a true and correct copy of an Office Action Response regarding the '804 application, dated July 6, 1992.

9. Attached hereto as Exhibit H is a true and correct copy of an excerpt from the Updated Expert Report of Christopher T. Rhodes, dated March 6, 2006.

10. Attached hereto as Exhibit I is a true and correct copy of

11. Attached hereto as Exhibit J is a true and correct copy of an excerpt from the Rebuttal Expert Report of John C. Carson, date March 31, 2006.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at New York, New York, this 29<sup>th</sup> day of June, 2006.

  
\_\_\_\_\_  
David M. Hill